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6 Attorney for Creditors  
7 Lawrence Wu and Mealea Men

8 UNITED STATES BANKRUPTCY COURT  
9  
10 NORTHERN DISTRICT OF CALIFORNIA  
11  
12 SAN JOSE DIVISION

13 In re:  
14  
15 MAJID MARHAMAT )  
16 ) CASE NO. 10-59396 SLJ  
17 ) CHAPTER 7  
18 )  
19 ) **DECLARATION OF LAWRENCE WU**  
20 ) **IN OPPOSITION TO MOTION TO**  
21 ) **AVOID LIEN BY DEBTOR**  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )  
Debtor, )  
\_\_\_\_\_) No hearing set

18 I, Lawrence Wu, declare:

19 1. I am over the age of eighteen (18) and am one of the judgment creditors of the  
20 Debtor, Majid Marhamat. I make this declaration in opposition to the Debtors Motion to Avoid  
21 the Lien of Lawrence Wu and Mealea Men on the property located at 18394 Montpere Way,  
22 Saratoga, San Jose, CA 95070 ("Real Property"). I have personal knowledge of the matters  
23 stated in this declaration and, if called as a witness, I could and would testify competently to the  
24 truth of the same.  
25

26 2. Mealea Men and I bought the real property from the Debtor in 2004. The Debtor  
27 breached the purchase contract because he was not able to deliver the real property free of  
28

1 substantial tax liens. We learned that the Debtor's combined IRS tax liens and California tax  
2 liens, in 2005, were over one million dollars. We did, in fact, occupy the property for seven  
3 years, 2002 to 2009. During this time, we exhausted remedies and options to have the real  
4 property delivered to us with clean title.

5 3. In 2006, we grant deeded the property back to the Debtor and pursued legal action.  
6 That action produced the judgment against the Debtor, which is attached hereto (Exhibit 1). The  
7 judgment reflects monies that we had advanced on the Debtor's mortgages and other property  
8 expenses that we had incurred while expecting the Debtor to deliver clean title to us. We  
9 actually paid the Debtor's mortgages and other property expenses up to 2009. The actual  
10 monies we advanced and paid on the real property were more than the amount shown on the  
11 judgment.  
12

13 4. Based upon my occupancy and familiarity with the real property, I believe that the  
14 real property had a value in excess of One Million Dollars at the time the Debtor filed his  
15 bankruptcy petition in 2010. There is sufficient equity in the Real Property to cover at least part  
16 of our judgment. The real property has a current estimated value of 1.568 million dollars  
17 according to Zillow, see attached face sheet from Zillow showing the estimated value, Exhibit  
18 2.  
19

20 5. The Court may wish to note that the judgment requires the Debtor to tender clean title  
21 for the real property to Mealea Men and myself. As a result, it is our position that we are the  
22 equitable owners of the real property.  
23

24 6. I request that the Court deny the Debtor's Motion or allow us time to retain an  
25 appraiser and have the Real Property appraised as of the date of the petition.  
26  
27  
28

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1 I declare under the penalty of perjury under the laws of the United States that the  
2 foregoing is true and correct and that this Declaration is executed on October 24, 2017 at San  
3 Jose, California.  
4  
5  
6

7 /s/Lawrence Wu  
8 Lawrence Wu  
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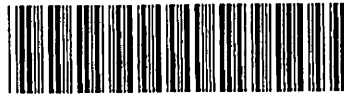
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AND —

WHEN RECORDED MAIL TO:

STEPHEN R. OLIVER  
ATTORNEY AT LAW  
2176 THE ALAMEDA  
SAN JOSE, CA 95126

DOCUMENT: 19960842



Pages: 4

Fees.... 18.00

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REGINA ALCOMENDRAS  
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Attorney

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8/20/2008  
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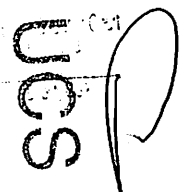
( SPACE ABOVE THIS LINE FOR RECORDER'S USE )

JUDGMENT BY DEFAULT BY COURT

DOCUMENT TITLE

**EXHIBIT** 1

SEPARATE PAGE, PURSUANT TO GOVT. CODE 27361.6

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): <b>STEPHEN R. OLIVER 77630</b> <b>OLIVER &amp; STEPHENSON</b> <b>2176 THE ALAMEDA; SAN JOSE, CA 95126</b>		TELEPHONE NO.: <b>(408) 244-9200</b>	FOR COURT USE ONLY  <div style="text-align: center;"> <b>FILED</b>  <b>2008 AUG 18 P 1:48</b>    <b>D. Wendel</b> </div>
ATTORNEY FOR (Name): <b>PLAINTIFF</b> <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA</b> STREET ADDRESS: <b>191 N. FIRST ST.</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>SAN JOSE, CA 95113</b> BRANCH NAME:			
PLAINTIFF: <b>LAWRENCE WU, MELEA MEN</b>  DEFENDANT: <b>MAJID MARHAMAT</b>			
<b>JUDGMENT BY DEFAULT BY COURT</b> <input type="checkbox"/> Ex Parte (by declaration) <input type="checkbox"/> After Hearing on Date _____		Case No.: <b>106 CV 067705</b>	

The defendant(s) MAJID MARHAMAT

having been regularly served with summons and copy of complaint, having failed to appear and answer said complaint within the time allowed by law, and the default of said defendant\_\_ having been duly entered, upon application of plaintiff to the Court, and after having heard the testimony and considered the evidence, or pursuant to affidavit on file herein, the Court ordered the following JUDGMENT:

It is ordered and adjudged that plaintiff(s) LAWRENCE WU, MELEA MEN

have and recover from said defendant\_\_, the amount of:

Principal	<u>230,000.00</u>
Pre-judgment interest	<u>34,496.88</u>
Cost	<u>362.50</u>
Attorneys fees	<u>3,000.00</u>

The total sum of the above \$ 267,859.38

CONTINUED ON ATTACHMENT 1 FOR JUDGMENT FOR SPECIFIC PERFORMANCE OF SALE CONTRACT FOR 18394 MONTPERE WAY, SARATOGA, CA

Dated: \_\_\_\_\_ SIGNED ON ATTACHMENT  
 \_\_\_\_\_ Judge of the Court

Dated: \_\_\_\_\_, Clerk

By \_\_\_\_\_, Deputy Clerk

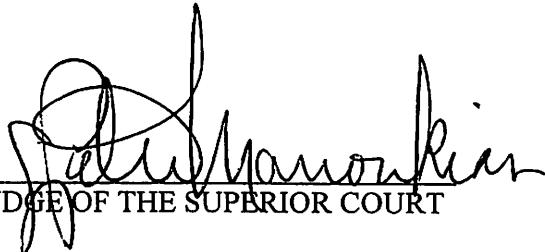
ATTACHMENT 1

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to the terms of the Residential Purchase Agreement between the parties of January 15, 2004, defendant shall deliver to plaintiffs, through a title company with title insurance, a good and sufficient warranty deed, conveying to the plaintiffs in fee simple, free of personal Tax Liens and Judgment Liens, the following described real property located in the City of Saratoga, County of the Santa Clara, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Commonly known as: 18394 Montpere Way  
Saratoga, CA 95070  
APN 403-23-029

Dated 18 August 2008

  
JUDGE OF THE SUPERIOR COURT

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

LOT 53, as shown upon that certain Map entitled, "TRACT NO. 1866 VILLA SARATOGA UNIT NO. 3," which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, on June 28, 1957 in Book 84 of Maps at Page 3.

~~EXCEPTING THEREFROM the underground water or rights thereto, with no rights of surface entry, as conveyed to San Jose Water Works, a California corporation, by Deed recorded in Book 3862 of Official Records, Page 230.~~

APN/ARB: 403-23-029

THE FOREGOING INSTRUMENT IS  
A CORRECT COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE  
ATTEST: DAVID H. YAMASAKI

AUG 18 2008

CHIEF EXECUTIVE OFFICER/CLERK  
SUPERIOR COURT OF SA COUNTY OF SANTA CLARA  
IN AND FOR THE COUNTY OF SANTA CLARA  
By Wendel DEPUTY



# 18394 Montpere Way, Saratoga, CA 95070

3 beds · 2 baths ·  
1,389 sqft

OFF MARKET

Zestimate®:

\$1,568,460

I disagree

Rent Zestimate®:

\$3,950 /mo

Est. Refi

Payment

\$6,118/mo



See current  
rates

## Waiting



Ask an agent about market  
conditions in your  
neighborhood.



Your name



Phone



Email

I own this home and would like to  
ask an agent about selling 18394

Contact Agent

Or call 408-912-1501 for more info

Is this your  
rental?

Get a monthly local  
market report with  
comparable rentals in  
your area.

☐ I own and manage  
this rental

I manage this  
rental for the  
owner

Enter email

Subscribe

Claim this home as  
your residence

## Similar Homes for Sale



FOR SALE

\$1,248,229

3 beds, 2.0 baths, 1252 sqft  
13741 Quito Rd. Saratoga, ...



FOR SALE

\$1,198,000

3 beds, 2.0 baths, 1356 sqft  
13279 Quito Rd. Saratoga, ...



FOR SALE

\$1,625,000

3 beds, 2.0 baths, 1823 sqft  
5007 Grimsby Dr. San Jo...

See listings near 18394 Montpere Way

## Nearby Similar Sales

SOLD: \$1,315,000

Sold on 4/13/2017

3 beds, 2.0 baths, 1127 sqft

5141 Tisdale Way, San Jose, CA 95130

*Note: This property is not  
currently for sale or for rent.  
The description below may  
be from a previous listing.*

Great Investment  
Opportunity! Excellent  
Location. Beautiful Setting.

EXHIBIT 2



LIST FOR RENT   SAVE   SHARE   HIDE   GET UPDATE: City, State, or Zip  

Public

Landlord

California · Saratoga · 95070 · Fruitvale · 18394 Montpere Way

